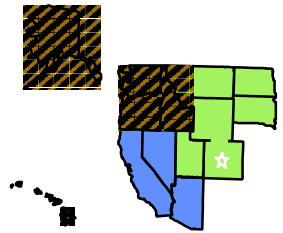




US Army Environmental Center Western Regional Environmental Office REGION 8 – JUNE 2005 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations. Please contact Bob Gurdikian at WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844-0952, or fax: (303) 844-0951.

WREO STAFF

Regional Chief/DOD REC Region 8
Gerald Owens
(303) 844-0953
gerald.owens@us.army.mil

Regional Counsel - Kevin Ward
(303) 844-0955
kward@rma.army.mil

Senior Army REC - Mark Mahoney
(303) 844-0956
mmahoney@rma.army.mil

Region 8 Army REC - Tim Blume
(303) 844-0958
tblume@rma.army.mil

Region 9 - Mark Mahoney
(303) 844-0956
mmahoney@rma.army.mil

Region 10 Army REC – Brad Wright
(303) 844-0959
brad.wright@rma.army.mil

Project Manager - Bob Gurdikian
(303) 844-0952
rgurdikian@rma.army.mil

Administrative Assistant - Debora Clark
(303) 844-0950
dclark@rma.army.mil

Regulatory Affairs Specialist - Julia Miller
(303) 844-0954
jmiller@rma.army.mil

Regional Environmental Coordinator (REC) Contacts

DOD REC Region 8 - Gerald Owens
(303) 844-0953
gerald.owens@us.army.mil

Army REC Region 8 - Tim Blume
(303) 844-0958
tblume@rma.army.mil

Navy REC Region 8 - Hayden Street
(360) 396-5089
hayden.street@navy.mil

Air Force REC Region 8 - Mike Garrison
(214) 767-4652
mike.garrison@brooks.af.mil

DLA REC Region 8 - Frank Robinson
(801) 777-8028 (DSN 777-8028)
frank.robinson@dla.mil

WREO Information About Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

SIP REQUIREMENTS TO ADDRESS INTERSTATE TRANSPORT – The United States Environmental Protection Agency (USEPA) notified states ([70 FR 21147](#)) that State Implementation Plans (SIPs) must address interstate transport of certain pollutants as required by the 8-hour ozone and PM_{2.5} National Ambient Air Quality Standards (NAAQS). States have two years to submit a SIP that achieves emission reductions of ozone and PM_{2.5} pollutants in downwind states. For more information, contact Larry Webber, United States Army Environmental Center (USAEC), at (410) 436-1213.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) FOR ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING – On May 17, 2005 ([70 FR 28359](#)), the USEPA announced it is taking direct final action on amendments to the NESHAP for asphalt processing and asphalt roofing manufacturing that were issued on April 29, 2003 under the Clean Air Act (CAA). These amendments correct minor errors and add an exemption inadvertently omitted in the final rule. Barring any adverse comments, the direct final rule will be effective on August 15, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

APPROVAL AND PROMULGATION OF COLORADO SIP REVISIONS AND GREELEY REVISED CARBON MONOXIDE MAINTENANCE PLAN – On May 17, 2005 ([70 FR 28233](#)), the USEPA announced it is proposing approval of a SIP revision submitted by the State of Colorado. On June 20, 2003, the Governor of Colorado submitted a revised maintenance plan for the Greeley carbon monoxide (CO) maintenance area for the CO NAAQS. In addition, the Governor submitted revisions to Regulation 11 regarding the motor vehicle emissions inspection program and revisions to Regulation 13 regarding the oxygenated fuels program. Comments regarding the approval of the above actions must be received by June 16, 2005. For more information, contact Larry Webber, USAEC, at 410 (436-1213).

APPROVAL AND PROMULGATION OF COLORADO SIP REVISIONS AND DENVER EARLY ACTION COMPACT OZONE PLAN – On May 17, 2005 ([FR 70 28239](#)), the USEPA announced it is proposing approval of a SIP revision submitted by the State of Colorado. On July 21, 2004, the Governor of Colorado submitted an Early Action Compact (EAC) Ozone Plan for the Denver metropolitan area for the 8-hour ozone NAAQS. The Governor's submittal also contained an attainment demonstration for the 8-hour ozone NAAQS. In conjunction with the EAC ozone plan, the Governor submitted revisions to Colorado's Common Provisions Regulation, Regulation No. 7 regarding emissions of volatile organic compounds, and revisions to Regulation No. 11, regarding the motor vehicle emissions inspection program. Comments must

be received on or before June 16, 2005. For more information, contact Larry Webber, USAEC, at 410 (436-1213).

STANDARDS OF PERFORMANCE FOR NEW AND EXISTING ELECTRIC UTILITY STEAM GENERATING UNITS – On May 18, 2005 ([70 FR 28605](#)), the USEPA announced that the final Clean Air Mercury Rule which regulates mercury emissions from coal-fired power plants has been published. The final rule will be effective on July 18, 2005.

WATER INFORMATION:

WET-WEATHER SEWAGE BYPASS PROPOSAL – The USEPA announced it will withdraw a proposed policy that would have allowed publicly owned treatment works (POTWs) to continue to bypass a portion of their untreated sewage during peak wet-weather flows. The USEPA has not decided what the National Pollutant Discharge Elimination System requirements should be for municipal wastewater treatment during wet weather. For more information, contact Michael Kanowitz, USAEC, at (410) 436-7068.

WASTE INFORMATION:

None.

OTHER INFORMATION:

SPRING 2005 REGULATORY AGENDA – The USEPA released its semiannual regulatory agenda. The agenda reports all regulations and major policies currently under development, under review, completed or cancelled since the last agenda. The full agenda is available at: <http://www.gpoaccess.gov/ua/browse0505.html>

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OTHER FEDERAL INFORMATION

PROPOSED NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER –

The Department of Homeland Security expects to sponsor a National Biodefense Analysis and Countermeasures Center for federally funded research and development to better anticipate, prevent, and mitigate the consequences of biological attacks. The facility will be located at the National Interagency Biodefense Campus at Fort Detrick, Maryland. www.usamraa.army.mil.

NATIONAL HANDBOOK OF CONSERVATION PRACTICES – The Natural Resources Conservation Service proposes to issue 11 new or revised conservation practice standards in its national handbook. The practices may be used in conservation systems that treat highly erodible land or wetland. The conservation practice standards are at <ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/federal-register/>.

PETITION FINDINGS AND INITIATION OF STATUS REVIEW FOR SNAIL SPECIES - The United States Fish and Wildlife Service (USFWS) announced a 90-day finding on a petition to remove the Idaho springsnail from the Federal List of Endangered and Threatened Wildlife and Plants pursuant to the Endangered Species Act (ESA), as well as a 90-day finding on a petition to add the Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail to the List as endangered or threatened ([70 FR 20512](#)). The USFWS is requesting submission of any new information on the Idaho springsnail since its original listing as an endangered species in 1992, and information on the Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail. Following this 12-month status review, the USFWS will issue 12-month findings on the petition to delist the Idaho springsnail and the petition to list the Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail. The ESA also requires a status review of listed species at least once every 5 years. The USFWS is electing to conduct these reviews simultaneously. The Jackson Lake springsnail, Harney Lake springsnail, and Columbia springsnail are found in specific locations in Wyoming, Oregon, and Washington. Comments must be received by June 20, 2005. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE SOUTHWESTERN WILLOW FLYCATCHER – The USFWS announced the availability of the draft economic analysis and draft environmental assessment for the proposal to designate critical habitat for the southwestern willow flycatcher under the ESA ([70 FR 21988](#)). Comments were due May 31, 2005. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

FINDING TO LIST THE PYGMY RABBIT AS THREATENED OR ENDANGERED – The USFWS announced ([70 FR 29253](#)) a 90-day finding on a petition to list the pygmy rabbit as threatened or endangered. The USFWS determined that the petition does not provide substantial information for listing the pygmy rabbit and invites any new information that becomes available concerning the status of the species or threats to it. Comments and information may be submitted at any time. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

PROPOSED DESIGNATION OF CRITICAL HABITAT FOR POPULATIONS OF BULL TROUT

– The USFWS announced ([70 FR 22835](#)) the reopening of the public comment period on the proposal to designate critical habitat for the Jarbidge River, Coastal-Puget Sound, and Saint Mary-Belly River populations of bull trout and the availability of the draft economic analysis of the proposed designation of critical habitat. The comment period is reopening to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted. Copies of the draft economic analysis and the proposed rule for critical habitat designation are available at <http://pacific.fws.gov/bulltrout>. Comments were due June 2, 2005. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

REVIEW OF NATIVE SPECIES THAT ARE CANDIDATES OR PROPOSED FOR LISTING AS ENDANGERED OR THREATENED

– The USFWS announced ([70 FR 24869](#)) an updated list of plant and animal species native to the United States that are regarded as candidates or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the ESA. The Candidate Notice of Review lists 286 candidates species, 18 species proposed endangered, two species proposed threatened, and 1 proposed threatened due to similarity of appearance. Some species may be found on or near army installations. There is no deadline for comments. For more information, see <http://endangered.fws.gov/candidates/index.html> or contact Jay Rubinoff, USAEC, at (410) 436-1564.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
Proponent-Sponsored Engineer Corps Training (PROSPECT) Survey	N/A	Online	PROSPECT is surveying for training needs for FY06. See http://pdsc.usace.army.mil/downloads/FY06Survey.pdf . The training catalog, called the Purple Book, is also available at http://pdsc.usace.army.mil .
DSMOA Training	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. https://webu.brooks.af.mil/webu/secure/onlinecourse.asp
USDA Forest Service Continuing Education Program	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004–September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: www.fs.fed.us/biology/education .
8th Annual In Situ and On-Site Bioremediation Symposium	June 6-9, 2005	Baltimore, MD	The symposium will facilitate technology transfer and integrate the latest developments in fundamental research with innovative engineering application. http://www.battelle.org/environment/er/conferences/biosymp/default.stm
CERCLA/RCRA Course	June 7-10, 2005	San Francisco, CA	This course is designed to train personnel on the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance response process and the Resource Conservation and Recovery Act (RCRA) corrective action process as it relates to the DoD. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 356 Course Number 33HEL01A.
Threatened, Endangered, and At-Risk Species Research Symposium and Workshop	June 7-9, 2005	Baltimore, MD	The goal of this Symposium & Workshop is to define and evaluate TER-S research relevant to DoD. http://www.serdp.org/tesworkshop/
Hazardous Waste Manifesting/DOT Recertification Course	June 8-9, 2005	Jacksonville, FL	This 16-hour course provides recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act and the RCRA as it applies to generation, transportation, and disposal of hazmat, focusing upon hazardous waste. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 429 Course Number 56HWR01A.
American Water Works Association Annual Conference & Exhibition	June 12-16, 2005	San Francisco, CA	The professional program presents issues covering all aspects of water, with the best minds in the industry presenting the latest information. http://www.awwa.org/ace2005/programs/
Ecobuild America	June 20-23, 2005	Orlando, FL	An innovative, comprehensive conference programs with more than 100 other green building, sustainable design, environmental planning, and information technology courses for the entire built environment team. http://www.ecobuildamerica.com/conference.htm

EVENT	DATE	LOCATION	DETAILS
Natural Resources Compliance	June 21-24, 2005	Silverdale, WA	This course, offered by the Civil Engineer Corps Officers School offers instruction in specific natural resource laws, regulations, policies, DoD Instructions, and other guidance, noting service-specific requirements. https://www.cecos.navy.mil/coursedetail.cfm?courseid=42
USEPA Community Involvement Conference and Training	July 12-15, 2005	Buffalo, NY	The theme of the conference is "Building Bridges Through Strong Partnerships". http://www.epancic.org/2005/overview.cfm
2005 Watershed Management Conference	July 19-22, 2005	Williamsburg, VA	Sponsored by the American Society of Civil Engineers and the Environmental and Water Resources Institute. The theme for the conference is "Managing Watersheds for Human and Natural Impacts: Engineering, Ecological, and Economic Challenges". http://www.asce.org/conferences/watershedmanagement2005/
Environmental Regulations-Practical Application	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
Introduction to Cultural Resource Management Laws and Regulations	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. https://www.cecos.navy.mil/coursedetail.cfm?courseid=25
2nd Sustainable Range Management Conference & Exhibition	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. www.rangecon.org
National Registry of Environmental Professionals Annual Conference	October 17-20, 2005	Las Vegas, NV	This year's theme is "Success Express." The conference will present case histories and programs on a wide variety of environmental topics. www.nrep.org .
Brownfields 2005	November 2-4	Denver, CO	Learn about brownfields cleanup, redevelopment, and reuse. Sponsored by the USEPA and the International City/County Management Association. http://www.brownfields2005.org/en/index.aspx

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

AMENDMENTS TO REGULATION 1, EMISSION CONTROLS FOR PARTICULATES, SMOKES, CARBON MONOXIDE AND SULFUR OXIDES – The Colorado Department of Public Health and Environment (CDPHE) is proposing to amend Regulation 1 to revise the requirements for Fort Carson military training exercises. The Air Quality Control Commission (AQCC) will consider proposed revisions to address comments that the USEPA had regarding requirements for particulate matter and sulfur dioxide emission limitations, requirements for electrical generating units, and the reincorporation of open burning requirements into the rule. The AQCC will hold a public hearing on July 21, 2005 to consider adoption of the proposed regulations. Written comments are due July 7, 2005. A prehearing conference will be held on June 23, 2005. For more information, contact Kirsten King at (303) 692-3111. The notice of the rulemaking is available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F26197/Reg1.RMH07_05.doc

REVISIONS TO REGULATION 3 AND THE COMMON PROVISIONS REGULATION – The CDPHE is proposing revisions to conform the rules to recent changes in federal regulations that pertain to the deletion of certain compounds listed as either hazardous air pollutants or volatile organic compounds. The CDPHE will also consider revisions regarding certification and trading of emission reduction credits. The CDPHE will hold a public hearing on July 21, 2005. A prehearing conference will be held on June 23, 2005. For more information, contact Jean Terry at (303) 692-3255. Notice of the hearing is available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F29172/Reg3.comm provRMH06_05.doc

REVISIONS TO REGULATION 8, PART E – MACT STANDARDS – The AQCC is proposing revisions to adopt by reference changes that the USEPA made to NESHAP rules and to recognize the Environmental Leadership Program. A hearing is scheduled for July 21, 2005. Written comments are due July 7, 2005. For more information, contact Melanie Loysim at (303) 692-3200. Notice of the hearing as well as the proposed amended text is available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F11803/reg8mact05.doc

REPEAL OF REGULATION NO. 5, GENERIC EMISSIONS TESTING – The CDPHE has repealed Regulation 5. The repeal is expected to be published in Colorado Register in late spring 2005. The repeal will become effective 20 days after publication. For more information, contact Kirsten King at (303) 692-3111.

WATER INFORMATION:

BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER – The CDPHE is proposing revisions to its basic standards and methodologies for surface water, Regulation 31 and 61, which may include: whether fish consumption assumptions based on state or regional consumption patterns would be more appropriate than those used in the Water Quality Control Division (WQCD) proposals; whether alternative approaches to the adoption of standards for “Group C carcinogens” different from that recommended by the WQCD would be more appropriate; and whether there are more appropriate alternatives to the manner in which maximum contaminant levels (MCLs) are currently considered in setting human health-based standard. A rulemaking hearing to consider the revisions to Regulation 31 is scheduled for June 13, 2005. At this hearing, the Water Quality Control Commission (WQCC) will also consider proposed revisions to Regulation 61, the Colorado discharge permit system regulations, that may be necessary to clarify the relationship between provisions of Regulation 31 and Regulation 61. A prehearing conference was held on May 26, 2005. For more information, contact Diana Glaser at (303) 692-3469. The notice of the hearing is available at <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Reg31/Notice3161.pdf>.

THE BASIC STANDARDS FOR GROUND WATER – The WQCC is proposing amendments to correct typographical errors in Regulation 42, site-specific water quality classifications and standards for ground water. Final amendments are not expected until June 2005. For more information, contact Diana Glaser at (303) 692-3469.

REVISIONS TO THE BEAR CREEK WATERSHED CONTROL REGULATION – The WQCC has adopted revisions to Regulation 74. The amendments were reviewed and approved by the WQCC at a public hearing on April 12, 2005. The amendments became effective on May 30, 2005. For more information, contact Diana Glaser at (303) 692-3469. The amended rule is available at http://www.cdphe.state.co.us/op/regs/waterregs/100274_505.pdf.

AMENDMENTS TO REGULATION 61, COLORADO DISCHARGE PERMIT SYSTEM, AND REGULATION 84, RECLAIMED DOMESTIC WASTEWATER CONTROL - The CDPHE is proposing revisions to Regulation 84 that would clarify the existing definitions to ensure that reclaimed water meets minimum standards commensurate with the risks associated with the new uses. The regulation would also require treaters and users to employ appropriate best management practices and to oversee the use of reclaimed water for such uses. The CDPHE is also proposing revisions to Regulation 61 that would provide an option for entities using reclaimed water for landscape irrigation to avoid having to obtain a discharge permit under Regulations 61 and obtain a Notice of Authorization under Regulation 84 for the same activity. The CDPHE will hold a public hearing on the proposed revisions on August 8, 2005. Prehearing statements are due June 8, 2005. The prehearing conference will be held on July 7, 2005 and rebuttal statements are due July 27, 2005. For more information, contact Wes Carr at (303) 692-3613. The notice of the proposed rulemaking is available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F26276/84Notice.pdf.

REVISIONS TO REGULATION 65, DISCHARGES TO STORM SEWERS – The WQCC is proposing revisions to Regulation 65 to clarify that the discharge of pollutants from a point source to a storm sewer is prohibited. A hearing will be held on July 11, 2005. For more information, contact Diana Glaser at (303) 692-3469.

WASTE INFORMATION:

AMENDMENTS TO RADIATION CONTROL REGULATIONS – The CDPHE has amended Parts 2 and 12 of the Colorado radiation control regulations. The amendments to Part 2 incorporate needed additions, corrections, and modifications in order to maintain conformity with the national framework of the suggested state regulations for the control of radiation. The revisions to Part 12 revise the fee structure charged by the Hazardous Materials and Waste Management Division (HMWMD) for the performance of radiation control services. The amendments to Parts 2 and 12 were adopted on March 16, 2005. The CDPHE has also proposed amendments to Part 1, General Provisions and Part 7, Use of Radionuclide in the Healing Arts. The changes to Part 1 are necessary to allow for future changes to Part 17, Transportation of Radioactive Material. The revisions to Part 7 update the state rules with recent Nuclear Regulatory Commission rulemakings. Additional changes are proposed to Parts 3, 4 and 10. The proposed amendments to Parts 1, 3, 4, 7 and 10 were approved at the Board of Health meeting on May 18, 2005. The regulations will become effective in early July, with the exception of Part 7, which will become effective on October 25, 2005. For more information, contact Steve Tarlton at (303) 692-3423. <http://www.cdphe.state.co.us/op/regs/radiationregs.asp>

LEGISLATIVE DEVELOPMENTS

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 12, 2005 and ended on May 9, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.

COLORADO HB 1070 – WATER – Proposes to invalidate restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass; prohibit landscape irrigation at public facilities between the hours of 7 a.m. and 7 p.m.; and create an exception to the definition of abandonment of a water right for periods of nonuse that are caused by the implementation of bona fide water conservation efforts as determined on a case-by-case basis by the state engineer. The bill was introduced and referred to the Natural Resources and Livestock Committee on January 14, 2005. The bill passed the House on February 14, 2005. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 15, 2005. The bill passed Committee on March 16, 2005. The bill passed the Senate on March 29, 2005. The House concurred with the Senate on April 8, 2005. The sponsor is Representative Paul Martin Weissmann (D). http://www.leg.state.co.us/Clics2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070_01.pdf

COLORADO HB 1126 – SOLID WASTE – Proposes to require waste haulers to transport waste tires only to a waste tire storage site and register with the CDPHE. The bill was introduced and referred to the House Transportation and Energy Committee on January 17, 2005. The bill was referred to the Appropriations Committee on February 9, 2005. The bill passed the House on April 15, 2005 and was referred to the Senate Transportation Committee on April 20, 2005. The bill passed the Senate on May 2, 2005. The sponsor is Senator Mike May (R). http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126_01.pdf

COLORADO HB 1177 - WATER CONSERVATION – Proposes to create a 25-member committee to negotiate interbasin compacts to promote the equitable use of the state's waters. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources

Committee on January 20, 2005. The bill passed on February 28, 2005 and was referred to the Appropriations Committee. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Agriculture, Natural Resources, and Energy Committee on April 1, 2005. The bill was reported from Committee and referred to the Appropriations Committee on April 14, 2005. The bill was reported from the Appropriations Committee on April 22, 2005. The bill passed the Senate on May 2, 2005. The sponsor is Representative Joshua Penry (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177_01.pdf

COLORADO HB 1181 – GROUNDWATER – Proposes to allow water judges to include a change of water right terms to prohibit them from adversely affecting the quality of water to meet the normal requirements of use of downstream appropriators. The bill was introduced on January 25, 2005 and referred to the Agriculture, Livestock and Natural Resources Committee. The bill was postponed indefinitely as of February 7, 2005. The bill failed upon adjournment on May 9, 2005. The sponsor is Representative Rafael Gallegos (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D56558EDE402C9C887256F65006807C3?Open&file=1181_01.pdf

COLORADO HB 1185 – GROUNDWATER – Proposes to specify that the 5-year duration limit for a substitute water supply plan that relates to a temporary change of use of water for which no adjudication application has been filed. The bill applies to the period during which such temporary change may operate rather than to the depletions associated with the change. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 26, 2005. The bill died due to failure to pass its second reading on March 22, 2005. The sponsor is Representative Greg Brophy (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/52B34E629ABF5A1A87256F8900044A06?Open&file=1185_01.pdf

COLORADO HB 1215 – WATER – Proposes to define a "fallowing agreement" as an agreement between an irrigation water rights owner that agrees to stop use of a portion of the water rights for a specified length of time and the water provider that is authorized to use the water right for his/her own purposes. The bill was introduced and referred to the Agriculture Livestock and Natural Resources Committee on February 3, 2005. The bill died in Committee. The sponsor is Representative Mary Hodge (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/98D45A4F4E8A375087256F7E008119E8?Open&file=1215_01.pdf

COLORADO HB 1230 - LAND USE – Proposes to increase the maximum and minimum amount of the civil penalty imposed for violation of a county zoning or building code ordinance. The bill was introduced and referred to the Committee on Local Government on February 4, 2005. The bill was reported from Committee on February 22, 2005 and passed the House on March 2, 2005. The bill was introduced and referred to the Senate Local Government Committee on March 7, 2005. The bill was reported from Committee on March 22, 2005. The bill passed the Senate on March 30, 2005. On April 8, 2005, the House concurred with the Senate amendments. The bill was sent to the Governor on May 18, 2005. The sponsor is Representative Paul Martin Weissmann (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/442CA15F6F06015B87256F89007F3C16?Open&file=1230_01.pdf

COLORADO HB 1254 - WATER CONSERVATION – Proposes to establish a water efficiency grant program to provide funding over a 3-year period to aid in achieving the water efficiency goals outlined in locally adopted water conservation plans and in promoting the benefits of water

efficiency. The bill was introduced and referred to the Committee on Local Government on February 3, 2005. The bill was referred to the Appropriations Committee on February 22, 2005. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Local Government Committee on April 1, 2005. The bill was reported from Committee and sent to the Appropriations Committee on April 12, 2005. The bill was reported from Committee on April 26, 2005 and passed the Senate on May 3, 2005. The sponsor is Representative Tom Plant (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254_01.pdf

COLORADO HB 1256 - SOLID WASTE – Proposes to establish a statewide goal to divert at least 30% of solid waste from the waste stream by recycling, reusing, composting, and other waste management strategies by the year 2008 and at least 50% by the year 2015; impose a fee on persons who dispose of solid waste at attended solid waste disposal sites; and direct the state treasurer to transmit the fees collected to the integrated waste management fund. The bill was introduced and referred to the Committee on Local Government on February 7, 2005. The bill was passed and referred to the Appropriations Committee on March 15, 2005. The bill was reported from Committee on April 27, 2005. The bill failed upon adjournment on May 9, 2005. The sponsor is Representative Angie Paccione (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/27971A004435D5B187256F5B0077101F?Open&file=1256_01.pdf

COLORADO HB 1290 - ALTERNATIVE FUELS – Proposes to maintain the amount of the tax credit for the purchase of low-emitting vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009. The bill also proposes that hybrid vehicles and inherently low-emission vehicles may be operated on a publicly financed toll highway or toll lane without payment of a toll. The bill was introduced and referred to the Transportation & Energy Committee and the Finance Committee on February 11, 2005. The bill passed both committees and was referred to the Appropriations Committee on March 1, 2005. The bill was reported from Committee on April 7, 2005. The bill passed the House on April 15, 2005 and was referred to the Senate Finance Committee on April 20, 2005. The bill passed the Senate on May 6, 2005. The sponsor is Representative John V. Pommer (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290_01.pdf

COLORADO HB 1293 - AIR TOXICS – Proposes to establish the reduction rate for reducing uncontrolled sulfur dioxide or oxides of nitrogen by a coal-fired power plant subject to a voluntary agreement to guarantee a 15-year assurance period. The bill was introduced and referred to the House Transportation and Energy Committee on February 16, 2005. The bill passed and was referred to the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005 and was referred to the Senate Business Labor and Technology Committee on April 1, 2005. The bill failed upon adjournment on May 9, 2005. The sponsor is Representative John V. Pommer (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D3E7D5C43F6CF26887256F97005C56C6?Open&file=1293_01.pdf

COLORADO SB 46 – WATER - Proposes to create a Department of Water Resources and transfer all water-related powers from existing state agencies. The bill was introduced and referred to the Senate Agriculture, Natural Resources, and Energy Committee. The Committee postponed the bill indefinitely as of February 16, 2005. The bill died in committee. The sponsor is Senator John Evans (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/C5D7B589A6C113F387256F6C007C9AAD?Open&file=046_01.pdf

COLORADO SB 63 - VOLUNTARY REMEDIATION – Proposes to permit urban renewal plans by a local governing body and remove economic liability from the definition of "blighted area" in connection with an alternative requirement that may be shown to demonstrate that a particular area is blighted for purposes of statutory provisions governing urban renewal. The bill was introduced and referred to the Senate Local Government Committee on January 19, 2005. The bill was reported from Committee on March 3, 2005. The bill failed upon adjournment on May 9, 2005. The sponsor is Representative Lois Tochtrop (D).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A69B803A3E15B4CE87256F56005CF88A?Open&file=063_01.pdf

COLORADO SB 141 – WASTE DISPOSAL – Proposes to prohibit the land disposal of lead-acid batteries and establish a collection system and recycling program for batteries. The bill was introduced and referred to the Senate State, Veterans, and Military Affairs Committee on January 31, 2005. The bill passed the Senate on March 29, 2005 and was referred to the House Health and Human Services Committee on March 31, 2005. The bill was reported from Committee on April 25, 2005 and passed the House on May 2, 2005. The bill was sent to the Governor on May 18, 2005. The sponsor is Senator Steve Johnson (R).

http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141_01.pdf

COLORADO SB 186 ENDANGERED SPECIES – Proposes to appropriate money to the operating accounts of the species conservation trust fund for programs submitted by the Executive Director of the Department of Natural Resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 11, 2005. The bill was referred to the Appropriations Committee on February 17, 2005. The amended bill passed the Senate on March 28, 2005 and was referred to the House Appropriations Committee on April 6, 2005. The bill was reported from Committee and passed the House on April 26, 2005. The bill was sent to the Governor on May 18, 2005. The sponsor is Senator Jim Isgar (D).

http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186_01.pdf

COLORADO SB 246 – LAND USE – Proposes to amend Colorado's environmental covenant law to conform to the national uniform act. The bill was introduced on April 29, 2005 and referred to the Judiciary Committee. The bill died in Committee. The sponsor is Senator Dan Grossman (D).

http://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont3/1A9AD948CFE22AF287256FD600696AAC?open&file=246_01.pdf

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

INCORPORATION OF EMERGENCY EPISODE AVOIDANCE PLAN (EEAP) INTO SIP – The Montana Department of Environmental Quality (DEQ) submitted the EEAP to the USEPA for inclusion into the Montana SIP in August 2004. The EEAP is designed to address the emergency control of PM 10, carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and ozone (O₃) caused by human or natural causes in any situation. Approval of the EEAP was anticipated by June 2005. However, an impasse has developed in the USEPA approval process. USEPA is requiring the Department to "adopt" the plan prior to approval. Specifically, the state has adopted the plan as per state administrative procedure. However, USEPA contends that the plan text does not imply that it has been formally adopted. As such, the plan is currently approved as part of the SIP at the state level, but has not received federal approval. For more information, contact Debra Wolfe at (406) 444-7916.

<http://www.deq.state.mt.us/AirQuality/Planning/2003EM%20EPI%20PN-CLNCOPY.pdf>

ADOPTION OF FEDERAL NEW SOURCE REVIEW REFORM RULES – The DEQ is discussing rule changes that are anticipated to be a verbatim adoption of changes made to the federal New Source Review program. The proposed rule is anticipated to be presented to the administrative board in July 2005. For more information, contact Charles Homer at (406) 444-5279.

WATER INFORMATION:

TONGUE RIVER, POWDER RIVER, ROSEBUD CREEK TOTAL MAXIMUM DAILY LOADS (TMDLS) – The DEQ is developing TMDLs for the Tongue River, Power River, and Rosebud Creek. The criteria pollutants for these TMDLs are still under development. Several policy issues remain unresolved concerning the impairment status for several river segments and tributaries and the evaluation and application of numeric standards. Technical analysis is nearing completion, however, further modeling committee meetings and technical review are anticipated. The development of these TMDLs will last through the end of 2005. For more information, contact Robert Ray at (406) 444-5319.

2005 TMDLS – The following planning areas have been slated for TMDL development in 2005: Yaak, Prospect Creek, St. Regis, Cut Bank - Two Medicine, Lake Helena, Ruby, Upper Big Hole, North Fork Big Hole, Shields, Boulder, Big Timber, O'Fallon, Little Missouri, Lower Missouri, Redwater, Fort Peck Reservoir, Big and Little Dry Flatwillow, Box Elder, and Bullwacker-Dog. There is no schedule for development. For more information, contact Robert Ray (406) 444-5319. A map of the 2005, 2006, and 2007 planned TMDL developments is available at <http://www.deq.state.mt.us/wqinfo/TMDL/2005Schedual1218.pdf>.

2006 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Fisher, Lower Blackfoot, Bitterroot, Nevada Creek, and Lolo); Upper Missouri (Beaverhead, Jefferson, and Upper Boulder); Lower Missouri (Beaver, Marias-Willow Creek,

Upper Milk, Upper-Middle Musselshell, Belt); and Yellowstone (Clarks Fork-Yellowstone, Stillwater-Columbus, Yellowstone-Sweetgrass, and Yellowstone-Lower Bighorn). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2006. For more information, contact Robert Ray at (406) 444-5319.

2007 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Clark Fork Drummond, Flint, Kootenai, Little Blackfoot, Lower Clark Fork, Middle Fork Clark Fork, Thompson, and Upper Clark Fork); Upper Missouri (Canyon Ferry, East Gallatin, Holter, Lower Red Rock, Lower Madison, Lower Gallatin, Lower Boulder, and Missouri Cascade); Lower Missouri (Landusky, Middle Milk and Tributaries, Big Otter, and Lower Milk- Rock); and Yellowstone (Lake Basin – Spidel, Lower Yellowstone, and Yellowstone-Rosebud). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2007. For more information, contact Robert Ray at (406) 444-5319.

BITTERROOT HEADWATERS TMDL – The DEQ is preparing a water quality assessment and TMDL for the Bitterroot headwaters. The TMDL has been delayed and is now scheduled for submittal to USEPA in mid-June 2005. For more information, contact Greg Mathieus at (460) 444-6697. The draft assessment and TMDL are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/BitterrootHeadwaters/BitterrootHeadwatersDraft.pdf>.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

MONTANA HB 57 - HAZARDOUS MATERIALS – Proposes to address issues regarding the DEQ and cost recovery for hazardous substance releases. The bill was referred to the Appropriations Committee on February 5, 2005. A hearing was held on February 16, 2005. The bill failed to meet the appropriation bill transmittal deadline of March 30, 2005. The bill died upon adjournment on April 21, 2005. The sponsor is Representative Christopher Harris (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0057.htm>

MONTANA HB 266 – WEEDS – Proposes to implement a noxious weed trust fund. The bill was introduced on January 11, 2005. The bill passed the House on January 31, 2005 and was transmitted to the Senate. The bill was referred to the Senate Highways and Transportation Committee on February 22, 2005. The bill passed the Senate on March 10, 2005 and was sent to the Governor on March 15, 2005. The Governor returned the bill with amendments on March 24, 2005. The bill was signed by the Speaker of the House and the Senate President on April 20, 2005. The Governor signed the bill on April 28, 2005. The sponsor is Representative Diane Rice (R). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0266.htm>

MONTANA HB 359 - PESTICIDES – Proposes to allow localities to pass ordinances addressing pesticide application. Establishes minimum criteria which must be adhered to by the localities when passing such ordinances. The bill was introduced and referred to the Agriculture

Committee on January 19, 2005. A hearing was held on February 3, 2005. The bill passed the House on February 17, 2005. The bill died in the Senate. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0359.htm>

MONTANA HB 403 - GROUNDWATER – Proposes to remove the exemption for water right permits for withdrawals of 35 gallons and 10 acre-feet a year or less. The bill was introduced and referred to the Natural Resources Committee on January 21, 2005. The bill died in Committee. The sponsor is Representative Mike Jopek (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0403.htm>

MONTANA HB 429 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to make uniform the code sections addressing DEQ authority to determine and collect penalties and allow the DEQ to utilize private entities for the purpose of collection of fees and penalties. The bill was introduced and referred to the Natural Resources Committee on January 24, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Judiciary Committee on February 22. The bill passed the Senate on April 13, 2005 and was sent to the Governor on April 19, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0429.htm>

MONTANA HB 450 - LAND USE – Proposes to change administrative procedures for the sale of publicly owned lands. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill passed the House and was transmitted to the Senate on February 21, 2005. The bill was referred to the Senate Education and Cultural Resources Committee on February 22, 2005. The bill passed the Senate on April 6, 2005. The bill was transmitted to the Governor on April 11, 2005. The bill was signed by the Governor on April 21, 2005. The sponsor is Representative Mike Jopek (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0450.htm>

MONTANA HB 453 - WASTE – Proposes to change penalties for permit violations under the underground storage tank licensing, solid waste and junk vehicle laws. Sets administrative penalties at no more than \$500 and civil penalties not to exceed \$5000. The bill was introduced and referred to the Natural Resources Committee on January 26, 2005. The bill was reported from Committee on February 15, 2005. The bill passed the House on March 10, 2005 and was referred to the Senate Natural Resources Committee on March 11, 2005. The bill was reported from Committee on March 23, 2005 and passed the Senate on April 1, 2005. The bill was sent to the Governor on April 19, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Representative Kevin Furey (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0453.htm>

MONTANA HB 464 - ALTERNATIVE FUELS – Proposes to reduce the tax incentive for the production of alcohol for fuel from 30 cents to 10 cents. The bill was introduced and referred to the Agriculture Committee on January 27, 2005. A hearing was held on February 10, 2005. The motion failed on February 18, 2005. The bill died in the House. The sponsor is Representative Bob Bergren (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0464.htm>

MONTANA HB 470 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to require those who must have an environmental impact statement prepared as part of an application to pay for the costs associated with the impact statement. The bill was introduced and referred to the Natural Resources Committee on January 28, 2005. A hearing was held on February 16, 2005. The amended bill passed the House on February 19, 2005. The bill was

sent to the Senate on March 20, 2005. The bill passed the Senate on April 6, 2005 and was signed by the Governor on April 21, 2005. The sponsor is Representative Paul Clark (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0470.htm>

MONTANA HB 720 - LAND USE – Proposes to require local governments to review applications for development and use of property under regulations in effect at the time a site-specific development plan is submitted. The bill was introduced and referred to the House Taxation Committee on February 15, 2005. The bill passed the House on March 30, 2005 and was referred to the Senate Local Government Committee on March 31, 2005. The bill was reported from Committee on April 5, 2005. The bill passed the Senate on April 16, 2005 and was sent to the Governor on April 20, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Representative John Sinrud (R).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0720.htm>

MONTANA HB 756 - ALTERNATIVE FUELS – Proposes to encourage the production and use of biodiesel. The bill was introduced and referred to the Taxation Committee on February 18, 2005. A hearing was scheduled for March 22, 2005. The bill passed the House on April 4, 2005 and was referred to the Senate Taxation Committee on April 5, 2005. The bill passed the Senate on April 16, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Representative Gail Gutsche (D). <http://data.opi.state.mt.us/bills/2005/billhtml/HB0756.htm>

MONTANA HB 776 - ALTERNATIVE FUELS – Proposes to revise a law on the taxation of biodiesel and provide incentives. The bill was introduced and referred to the Taxation Committee on March 11, 2005. The bill passed the House on April 2, 2005 and was referred to the Senate Taxation Committee on April 4, 2005. The bill passed the Senate on April 16, 2005 and was signed by the Governor on April 28, 2005. The sponsor is Representative Holly Raser (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/HB0776.htm>

MONTANA SB 44 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES – Proposes to revise the state water planning process by adding that the administrative department shall make recommendations to the Legislature about amendments, extensions, or additions to the state water plan. The bill was referred to Natural Resources Committee on December 29, 2004. The committee passed the bill on January 21, 2005. The bill passed the Senate and was transmitted to House on January 25, 2005. The bill was referred to the House Natural Resources Committee on February 21, 2005. A hearing was scheduled for March 4, 2005. The bill was tabled in Committee on March 31, 2005. The bill died upon adjournment on April 21, 2005. The sponsor is Senator Daniel McGee (R).
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0044.htm>

MONTANA SB 107 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR GROUNDWATER – Proposes to clarify when specific groundwater management plans must be developed and implemented. The bill was introduced and referred to the Senate Agriculture, Livestock and Irrigation Committee on January 5, 2005. It passed the Senate and was transmitted to the House on January 12, 2005. A hearing was held in the House on March 9, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The bill passed the House on April 6, 2005 and the House concurred with amendments on April 19, 2005. The bill was signed by the Governor on May 2, 2005. The sponsor is Senator Frank Smith (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0107.htm>

MONTANA SB 131 - GROUNDWATER – Proposes to prohibit the importation, sale, offering of sale, and dispensing of gasoline containing MTBE in amounts that exceed trace levels. The bill

was introduced and referred to the Senate Highway and Transportation Committee on January 5, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was held in the House on March 11, 2005. The bill passed the House Natural Resources Committee on March 18, 2005. The bill passed the House on April 9, 2005 and was sent to the Governor on April 16, 2005. The bill was signed by the Governor on April 25, 2005. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0131.htm>

MONTANA SB 142 - FORESTRY ISSUES – Proposes to allow the Department of Natural Resources and Conservation to license and lease state lands for the purposes of forest management. The bill was referred to the Natural Resources Committee on December 29, 2004. The bill passed the Senate on January 24, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 4, 2005. The bill died upon adjournment on April 21, 2005. The sponsor is Representative Bill Tash (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0142.htm>

MONTANA SB 144 - ALTERNATIVE FUELS – Proposes to require all gasoline sold to consumers for use in motor vehicles to be operated on public highways, roads, and streets be blended with at least 10 percent of agriculturally derived, denatured ethanol. Provides that the gasoline may not contain more than trace amounts of the additive MTBE. The bill was referred to the Committee on Highways and Transportation on December 29, 2004. The bill was tabled on January 21, 2005. The bill died in Senate. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0144.htm>

MONTANA SB 145 - ENVIRONMENTAL ADMINISTRATIVE PROCEDURES FOR ABOVEGROUND STORAGE TANKS – Proposes to revise laws related to the regulation of petroleum tanks. Increases the number of members of the petroleum tank release compensation board. Revises the reimbursement eligibility criteria and procedures. The bill was referred to the Committee on Energy and Telecommunications. The bill passed the Senate and was transferred to the House on January 18, 2005. The bill was referred to the House Natural Resources Committee on March 1, 2005. A hearing was scheduled for March 9, 2005. The bill passed the House with amendments on April 7, 2005 and was sent to the Governor on April 14, 2005. The bill was signed by the Governor on April 21, 2005. The sponsor is Senator Dan W. Harrington (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0145.htm>

MONTANA SB 195 - GROWTH MANAGEMENT – Proposes to define the terms, growth jurisdiction, land use management techniques, market incentives, public facilities, quality growth area, rural center, sensitive resource lands, and transfer of development rights. The bill was introduced and referred to the Senate Committee on Local Government on January 10, 2005. The bill was reported from Committee on February 9, 2005. The bill passed the Senate on February 14, 2005 and was referred to the House Local Government Committee on February 22, 2005. A hearing was scheduled for March 8, 2005. The bill died upon adjournment on April 21, 2005. The sponsor is Senator Michael Wheat (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0195.htm>

MONTANA SB 216 - LAND USE – Proposes to allow a public body to assess per household fees for the purpose of curbing growth and conserving land. The bill was introduced and referred to the Natural Resources Committee on January 12, 2005. The bill passed Committee on January 29, 2005. The Taxation Committee tabled the bill on February 8, 2005. The bill died in the Senate. The sponsor is Senator Greg Lind (D). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0216.htm>

MONTANA SB 236 - WATER QUALITY – Proposes to allow the Board of Environmental Review to enact water quality standards that are more stringent than federal regulations require. The bill was introduced and referred to the Natural Resources Committee on January 15, 2005. It passed Committee on January 29, 2005. The bill passed the Senate and was transmitted to the House on February 3, 2005. The bill was referred to the House Natural Resources Committee on March 2, 2005. A hearing was scheduled for April 1, 2005. The bill died upon adjournment on April 21, 2005. The sponsor is Senator Greg Kind (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0236.htm>

MONTANA SB 293 - ALTERNATIVE FUELS – Proposes to require the Department of Labor and Industry to adopt standards to ensure that all gasoline sold in the state is comprised of at least 10% denatured ethanol following certification that 30 million gallons of denatured ethanol has been produced in the state. The bill was introduced and referred to Transportation Committee on January 26, 2005. The bill passed the Senate and was transmitted to the House on February 15, 2005. A hearing was scheduled for March 22, 2005. The bill passed the House on April 15, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Senator Jerry Black (R). <http://data.opi.state.mt.us/bills/2005/billhtml/SB0293.htm>

MONTANA SB 326 - UNDERGROUND STORAGE TANKS – Proposes to require excavators who cause damage to underground storage tanks to pay fees in the amount of \$500 for the first incident, \$2500 for the second incident and \$3000 for each additional incident. The fees are to be paid to the owner of the underground tank. The bill was introduced and referred to the Business, Labor, and Economic Affairs committee on January 28, 2005. The bill passed the Senate and was transmitted to the House on February 14, 2005. The bill was referred to the Business and Labor Committee on March 3 2005. The bill passed the House on March 24, 2005. The bill was sent to the Governor on March 30, 2005 and was returned with proposed amendments on April 9, 2005. The Senate concurred with amendments on April 16, 2005. The bill was signed by the Governor on April 28, 2005. The sponsor is Senator Jesse Laslovich (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0326.htm>

MONTANA SB 458 - LAND USE – Proposes to change the period prescribed for the commencement of an action against a municipality arising from a decision of the municipality relating to a land use, construction, or development project to 30 days from the date of the written decision. The bill was introduced and referred to the Local Government Committee on February 11, 2005. The bill passed the Senate and was transmitted to the House on February 23, 2005. A hearing is scheduled for March 31, 2005. The bill passed the House on April 6, 2005, and the Senate concurred with amendments on April 9, 2005. The bill was signed by the Governor on April 25, 2005. The sponsor is Senator Kim Gillan (D).
<http://data.opi.state.mt.us/bills/2005/billhtml/SB0458.htm>

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

SIP TO PREVENT SIGNIFICANT DETERIORATION – The North Dakota Department of Health (DOH) is proposing amendments to its SIP regarding prevention of significant deterioration (PSD) status. Currently, North Dakota has an USEPA approved SIP. However, the DOH had ordered further review on the issues including: appropriate action to gather public comment to recognize the Calpuff air modeling system as an acceptable method for predicting expected ambient sulfur dioxide concentrations in PSD Class I areas and for visibility impact analysis; evaluating the need and potential implementation of statewide sulfur dioxide emission caps from major stationary sources to ensure no future violations of Class I increment; and continuing to maintain and expand, if necessary, the air quality monitoring network to ensure the collection of accurate and defensible actual ambient sulfur dioxide data. Comments were accepted through May 16, 2005. At that time, the DOH will consider whether or not they desire to make modifications to the State monitoring network. For more information, contact Terry O'Clair at (701) 328-5188.

WATER INFORMATION:

TMDLS – The DOH is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. For more information, contact Michael Ell at (701) 328-5214.

Water Body	Criteria Pollutant	Comments
Maple River	Not determined	The TMDL is anticipated to be completed by late Spring 2005.
Wild Rice River	Not determined	The TMDL has been placed on indefinite hold.
Dead Colt Creek	Not determined	The TMDL has been completed, but release of the TMDL for comment has been delayed.
Indian Creek	Not determined	The DOH is continuing to collect data for the TMDL.
Bear Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Bone Hill Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Pheasant Lake	Not determined	As of April 2005, the TMDL has not been released.

WASTE INFORMATION:

AMENDMENTS TO RULES GOVERNING USE AND DISPOSAL OF TIRE WASTES – The North Dakota Department of Environment and Natural Resources has adopted amendments

that modify the language governing the approved uses and disposal methods for tire wastes. The amended rule exempts from solid waste permitting requirements, the burial of tire shreds used in the construction of on-site wastewater treatment systems if the installation follows certain provisions. The amendments were approved by the legislative interim rules review committee and filed with the Secretary of State on April 27, 2005. The rules became effective on May 17, 2005. For more information, contact Jim Wendte at (605) 773-3276.

LEGISLATIVE DEVELOPMENTS

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

NORTH DAKOTA HB 1314 – RENEWABLE ENERGY – Proposes to create a renewable electricity and recycled energy credit trading and tracking system. The bill was introduced and referred to the Industry, Business, and Labor Committee on January 10, 2005. The bill passed the House and was transferred to the Senate on February 11, 2005. The bill was referred to the Senate Industry, Business and Labor Committee on February 15, 2005. The bill passed and was returned to the House on March 18, 2005. The House and Senate concurred on April 7, 2005. The bill was signed by the Governor on April 22, 2005. The sponsor is Representatives Jon Nelson (R), Lois Delmore (D), Matthew Klein (R), and Ken Svedjan (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAEK0400.pdf>

NORTH DAKOTA HCR 3010 – REMEDIATION - Proposes to direct the Legislative Council to study the feasibility of establishing a state Brownfields law, Superfund law, and other efforts to encourage remediation and redevelopment of sites on which there has been a release of pollution. The bill was introduced and referred to the House Natural Resources Committee on January 20, 2005. The bill passed the House on February 15, 2005 and was referred to the Senate Natural Resources Committee on February 23, 2005. The bill passed the House on March 11, 2005 and was filed with the Secretary of State on March 18, 2005. The sponsors are Representatives Todd Porter (R) and RaeAnn Kelsch (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FGGF0100.pdf>

NORTH DAKOTA SB 2229 – FUELS – Proposes to require every dealer offering gasoline for sale to offer a ten percent blend of ethanol for sale at that dealer's place of business. The bill was introduced and referred to the Committee on Finance and Taxation on January 19, 2005. The bill failed to pass the Senate on February 7, 2005. A motion to reconsider the bill failed on February 8, 2005. The bill died in the Senate. The sponsor is Senator Russell T. Thane (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FALB0200.pdf>

NORTH DAKOTA SB 2296 – WATER – Proposes to regulate the terms for issuing a water permit. The bill was introduced and referred to the Committee on Natural Resources on January 19, 2005. The bill passed the Senate on February 14, 2005. The bill was introduced and referred to the House Natural Resources Committee on February 23, 2005. The bill passed the House on March 10, 2005. The bill failed to pass the Senate as of March 29, 2005. The sponsor is Senator Joel Heitkamp (R). <http://www.state.nd.us/lr/assembly/59-2005/bill-text/FAHS0100.pdf>

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

OTHER INFORMATION:

CHANGES TO THE STATEWIDE NOXIOUS WEED LIST - The South Dakota Department of Agriculture is proposing to add salt cedar and remove field bindweed from the statewide noxious weed list. The amendments were approved at a hearing held on April 14, 2005. They are now pending review before the Legislative Rules Committee. An effective date of early July 2005 is anticipated. For more information, contact Ron Moehring at (605) 773-3796.

LEGISLATIVE DEVELOPMENTS

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

SOUTH DAKOTA HB 1120 - EMINENT DOMAIN – Proposes to revise the conditions for determining when an eminent domain judgment greatly exceeds the plaintiff's offer. The bill was introduced and referred to the Judiciary Committee on January 26, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Representative Alan Hanks (R). <http://legis.state.sd.us/sessions/2005/bills/HB1120p.htm>

SOUTH DAKOTA SB 110 - LAND USE – Proposes to revise the definition of abandoned property held by governmental entities. The bill was introduced and referred to State Affairs Committee on January 25, 2005. The bill was reported out of Committee on January 28, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Jerry Apa (R). <http://legis.state.sd.us/sessions/2005/bills/SB110SST.htm>

SOUTH DAKOTA SB 143 – LAND USE – Proposes to adopt the Uniform Environmental Covenants Act. The bill was introduced and referred to the Senate Judiciary Committee on January 27, 2005. The bill passed the Senate on February 8, 2005. The bill was referred to the House Judiciary Committee on February 9, 2005. A hearing was scheduled for February 16, 2005. The bill passed on February 16, 2005 and was forwarded to the full House. The

amended bill passed the House and was signed by the Governor on March 9, 2005. The sponsor is Senator Dave Knudson (R). <http://legis.state.sd.us/sessions/2005/bills/SB143p.htm>

SOUTH DAKOTA SB 200 – FUELS – Proposes to revise the labeling requirements for certain types of motor fuel. The bill was introduced and referred to the Transportation Committee on January 31, 2005. A hearing was scheduled for February 15, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Frank J. Kloucek (D). <http://legis.state.sd.us/sessions/2005/bills/SB200p.htm>

SOUTH DAKOTA SB 211 - EMINENT DOMAIN – Proposes to repeal certain provisions regarding easements on railroad property acquired by eminent domain. The bill was introduced and referred to the State Affairs Committee on February 1, 2005. The bill failed upon adjournment on March 22, 2005. The sponsor is Senator Tom Hansen (R). <http://legis.state.sd.us/sessions/2005/bills/SB211p.htm>

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ATTAINMENT DESIGNATION FOR PM 10 AND SO₂ – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan to align it with existing rules. All areas of Utah formerly designated "non-attainment" pursuant to the Clean Air Act, including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State is undergoing a revision of the PM 10 SIP to reflect this redesignation. Numerous other revisions are proposed to align existing rules with the PM 10 maintenance plan. Final adoption of the maintenance plan will be incorporated into the DEQ rules. The DEQ is also seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO₂. These are the only remaining Utah SO₂ non-attainment areas. New maintenance revisions for SO₂ were approved and are being submitted to USEPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

ADOPTION OF NEW SOURCE REVIEW REFORMS – The DEQ is discussing proposing amendments to adopt the federal New Source Review reforms published in 2002. The amendments are on track for the December 2005 deadline with initial workshops anticipated in spring 2005. Workshops have not yet been scheduled. For more information, contact Jan Miller at (801) 536-4042.

ADOPTION OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS – The DEQ has adopted 40 CFR Part 60, New Source Performance Standards. The amendment incorporates the revised federal standards through July 8, 2004 into the state rule. The amendments were adopted by the Air Quality Board at a public hearing on April 13, 2005. The rules became effective on April 19, 2005. For more information, contact Jan Miller at (801) 536-4042. The notice of the proposed revisions is available at <http://rules.utah.gov/publicat/bulletin/2005/20050215/27665.htm>.

FEDERAL DEFINITION OF VOLATILE ORGANIC COMPOUND – The DEQ is considering the incorporation of the new federal definition of "volatile organic compound" into Utah rules. A rule adoption is anticipated for July 6, 2005 with an effective date of July 7, 2005. For more information, contact Jan Miller at (801) 536-4042.

WATER INFORMATION:

INCORPORATION BY REFERENCE OF EIGHT COMPLETED AND APPROVED TMDLS INTO STATE RULES – The DEQ is proposing to incorporate by reference eight completed and approved TMDLs into the state rules. Each TMDL document has gone through an individual public review process, been approved by EPA, and been adopted by the Utah Water Quality Board. The TMDLs are San Pitch River, Newton Creek, Panguitch Lake, West Colorado, Silver Creek, Upper Sevier River, Lower and Middle Sevier River, and Lower Colorado River. Incorporation of the TMDLs into the State rule is anticipated by June 1, 2005. For more

information, contact David Wham at (801) 538-6052. The notice of the rulemaking is available at <http://rules.utah.gov/publicat/bulletin/2005/20050501/27817.htm>.

TMDLS – The DEQ is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. The DEQ is addressing comments and will submit final TMDLs to the USEPA by the end of May 2005. For more information, contact Harry Judd at (801) 538-6047.

Water Body	Criteria Pollutant	Comments
Spirit Lake	Dissolved oxygen	Water body was delisted.
Strawberry Reservoir	Dissolved oxygen	Available for public review and comment. Comments were due April 22, 2005. http://waterquality.utah.gov/TMDL/Strawberry_study.pdf http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL.pdf http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL_Appendix.pdf
Tony Grove Lake	Dissolved oxygen	TMDLs are currently under development.
Utah Lake	Phosphorus and dissolved oxygen	A public hearing was scheduled on May 20, 2005.
Escalante River	temperature	Available for public review and comment. Comments were due April 15, 2005. http://waterquality.utah.gov/TMDL/Escalante%20Study.pdf http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf
Paria River	total dissolved solids	Available for public review and comment. Comments were due April 15, 2005. http://waterquality.utah.gov/TMDL/Paria%20Study.pdf http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf
Silver Creek	cadmium and zinc	The TMDLs have been completed and approved by the USEPA. http://waterquality.utah.gov/TMDL/Silver_creek.htm
Pineview Reservoir	temperature, dissolved oxygen, and total phosphorus	http://waterquality.utah.gov/TMDL/pineview.htm

WASTE INFORMATION:

None.

OTHER INFORMATION:

UPDATES TO THE UTAH RADIATION CONTROL RULES – The DEQ adopted updates to the Utah Radiation Control Rules to maintain compatibility with federal requirements. Changes include: definitional corrections; clarification of how deep dose equivalents and shallow dose equivalents are measured and determined; addition of a requirement that regulated persons perform a test for molybdenum contamination on particular radiopharmaceuticals that they produce; and corrections to references to the training and experience criteria for persons preparing radioactive drugs for medical use. Corrections to references to specific medical uses to allow regulated persons to have more flexibility in methods used to comply with the rule by replacing prescriptive requirements with risk informed, performance-based requirements were also be added. The rule became effective on May 13, 2005. For more information, contact

Gwyn Galloway at (801) 536-4250. The notice of the rulemaking proceeding is available at <http://rules.utah.gov/publicat/bulletin/2005/20050401/content.htm>.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

AMENDMENT TO OPEN BURNING RESTRICTIONS AND SMOKE MANAGEMENT

REQUIREMENTS - The Wyoming Department of Environmental Quality (DEQ) has amended Chapter 10, Regulation 4 of the Wyoming Air Quality Standards. The amendments specifically exempt agricultural burning, including irrigation ditches, fence lines, barley residue, and agricultural croplands from the smoke management portion of the rulemaking. The rules were signed by the Governor and became effective on April 5, 2005. For more information, contact Dan Olson at (307) 777-7391. The final rule text is available at [http://deq.state.wy.us/aqd/stdnd/Chapter10%20R-11\(c\)Final2-17-05.pdf](http://deq.state.wy.us/aqd/stdnd/Chapter10%20R-11(c)Final2-17-05.pdf).

WATER INFORMATION:

USE FOR WHITETAIL CREEK AND UNNAMED TRIBUTARY – The DEQ was proposing to reclassify the uses of stream segments for Whitetail Creek and its unnamed tributary in the Little Powder River Basin. The waters were proposed to be reclassified from aquatic life to primary contact recreation. The amendments were disapproved by the USEPA on February 24, 2005. For more information, contact Mr. Bill DiRienzo at (307) 777-7081. <http://deq.state.wy.us/wqd/Downloads/standards/120602.pdf>

WALLACE CREEK WATER BODY RECLASSIFICATION – The DEQ has proposed amendments to reclassify three unnamed tributaries in the Wallace Creek water body of the South Platte River basin from 3B to 4B. The designation removes the classification of being protected for aquatic life uses. The amendments are pending USEPA review. For more information, contact Mr. Bill DiRienzo at (307) 777-7081.

RECLASSIFICATION OF CABALLO CREEK – The DEQ has adopted amendments to its surface water rules and regulations that reclassify the Caballo Creek (within the Belle Fourche River basin). The amendments will classify the water quality from 3B to 2ABww. The amendments have been submitted to USEPA and are currently pending approval. For more information, contact Mr. Bill DiRienzo at (307) 777-7081. A copy of the approval letter and reclassification draft can be obtained at <http://deq.state.wy.us/wqd/events.asp>.

RECLASSIFICATION OF MULTIPLE DRAINAGES TRIBUTARY TO THE POWDER RIVER, CRAZY WOMAN CREEK, AND FOUR MILE CREEK – The DEQ has reclassified various stream channels tributary to the Powder River, Crazy Woman Creek, and Four Mile Creek to remove the aquatic life designation from the channels by changing their status from 3B to 4B or 4C. The changes were proposed by the Kennedy Oil Company. The reclassifications were approved by the DEQ on December 27, 2004. The reclassifications have been divided into "Kennedy North" and "Kennedy South". The Kennedy South reclassification has been appealed. No timeline for resolution of this issue has been established. The amendments must be sent to the USEPA for final approval. For more information, contact Mr. Bill DiRienzo at

(307) 777-7081. The reclassified use attainability analyses, as approved in December 2004, are available at <http://deq.state.wy.us/wqd/surfacestandards/index.asp>.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

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